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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,451	09/14/2000	Raanan Liebermann	99-352	9125
7590	09/02/2004		EXAMINER	
Barry L Kelmachter Bachman & LaPointe PC Suite 1201 900 Chapel Street New Haven, CT 06510-2802			BASHORE, ALAIN L	
			ART UNIT	PAPER NUMBER
			3624	
DATE MAILED: 09/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/662,451	LIEBERMANN, RAANAN
	<b>Examiner</b>	<b>Art Unit</b>
	Alain L. Bashore	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM |  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 4-21-04.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-121 is/are pending in the application.  
 4a) Of the above claim(s) 65-121 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-64 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 1-64 in the reply filed on 4-21-04 is acknowledged.

Claims 65-121 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4-21-04.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8, 15, 34-35, 42-64 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8 there is recited "adverse condition" which is considered vague and indefinite since there is no established meets and bounds. What is considered adverse to one may not be considered adverse to another.

In claim 8 there is recited “potential bodily harm” which is considered vague and indefinite since there is no established meets and bounds. What is considered potential bodily harm to one may not be considered potential bodily harm to another.

In claim 15 there is recited “under duress” which is considered vague and indefinite since there is no established meets and bounds. What is considered duress to one may not be considered duress to another. Also the term may have legal meaning that may vary over time depending on changes in rules and or law.

In claim 34, the recitation of “electronic box” is vague and indefinite since this recitation may be confused with hardware.

In claim 35 there is recited “personal safety” which is considered vague and indefinite since there is no established meets and bounds. What is considered personal safety to one may not be considered personal safety to another.

In claim 61 there is recited “the well being of a user” which is considered vague and indefinite since there is no established meets and bounds. What is considered the well being to one may not be considered the well being to another.

Claims 42-64 recite "system" which is vague and indefinite since a system may be one of several different statutory classes of invention (including a method or an apparatus). Applicant must indicate on the record what statutory class of invention the system claims belong to. For the purposes of this examination these claims are considered apparatus.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-16, 23-25, 35-41 are rejected under 35 U.S.C. 101 as non-statutory because the method claims as presented do not claim a technological basis. Without a claimed basis, the claim may be interpreted in an alternative as involving no more than a manipulation of an abstract idea and therefore non-statutory under 35 U.S.C. 101. In contrast, a method claim that includes in the preamble and body of the claim structural / functional interrelationships that are solely by computer (and non-trivial) are considered to have a technological basis [See Ex parte Bowman, 61 USPQ2d 1669, 1671 (Bd. Pat. App. & Inter. 2001) – used only for content and reasoning since not precedential].

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-9, 10-17, 21-22, 35-36, 42-45, and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman et al in view of Zingher et al.

Hoffman et al discloses a method for carrying out personal transactions. There is registering a user of a system, the user accessing said system and providing said system with personal information about said user (col 4, lines 18-38). The registering step further comprises an identification number for said user and creating a PIN number (col 5, lines 1-16). There is disclosed telephone selection (col 18, lines 14-25) and multiple digits for the PIN number (col 17, lines 35-37). A customer database is utilized (fig 2). Access is disclosed to the system by telephone and computer (col 9, lines 40-45). An ATM and money withdrawal utilizing a PIN is disclosed (col 1, lines 45-60), and purchasing merchandise (col 16, lines 1-5).

It would have been obvious to one with ordinary skill in the art to include a specific number of digits (such as ten, or a telephone number as claimed) for the purposes of personal convenience of the user and also because there is taught a range that includes ten digits.

Hoffman et al does not disclose a segment described as a "security segment" of the PIN, or a security segment to signify a condition that is adverse or potential bodily harm or under duress or personal safety, or well being. There is also not disclosed calling the user at an activation time at least one monitoring location.

Zingher et al discloses:

a "security segment" of the PIN where the security segment to signify a condition that is adverse or potential bodily harm or under duress or personal safety, or well being (col 1, lines 23-59); and,  
at least one monitoring location (col 9, lines 27-38).

Since Zingher et al discloses reversing, adding to, or modifying a PIN there is disclosed a security segment and change of that segment. It would have been obvious to one with ordinary skill in the art to include a "security segment" of the PIN and a security segment to signify a condition that is adverse or potential bodily harm or under duress or personal safety, or well being because of what is taught by Zingher et al. Zingher et al teaches that PIN

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modification within currently existing system parameters is important that bodily harm can result from victims who are users of PIN numbers (col 1, lines 23-59).

Also Zingher teaches that modifications to the PIN would be within the scope of the invention would therefore be obvious to one with ordinary skill in the art to make other PIN segment modifications as claimed (col 10, lines 33-44).

8. Claims 18-20, 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman et al in view of Zingher et al as applied to claims above, and further in view of Franklin et al.

Hoffman et al and Zingher et al do not disclose temporary file creation for transaction information transference wherein when a merchandise purchasing step connection allows downloading (as claimed in claims 18-24).

Franklin et al discloses temporary file creation for transaction information transference wherein when a merchandise purchasing step connection allows downloading (col 6, lines 50-56).

It would have been obvious to one with ordinary skill in the art to include temporary file creation for transaction information transference wherein when a merchandise purchasing step connection allows downloading because Franklin

et al teaches online merchandise purchases requiring added precautions (col 1, lines 37-50).

9. Claims 25-34, 37-41, 46-60, 62-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman et al in view of Zingher et al as applied to claims above, and further in view of Rodgers et al.

Hoffman et al and Zingher et al do not disclose providing access, identifying the user, storing, notifying of receipt thereof, or voice delivery of: an e-mail communication, a facsimile communication, or a page.

Rodgers et al discloses providing access, identifying the user, storing, notifying of receipt thereof, or voice delivery of: an e-mail communication, a facsimile communication, or a page (col 4, lines 19-34).

It would have been obvious to one with ordinary skill in the art to include providing access, identifying the user, storing, notifying of receipt thereof, or voice delivery of: an e-mail communication, a facsimile communication, or a page because of what is taught by Rodgers et al. Rodgers et al teaches that computerization of communication systems require versatility in the business environment (col 1, lines 12-39).

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Alain L. Bashore  
Primary Examiner  
Art Unit 3624